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SUBJECT: BUNDESTAG INVESTIGATIVE COMMITTEE SEEKS USG
COOPERATION

REF: 06 BERLIN 3555

¶1. (U) On February 9, 2007 Ambassador Timken received a letter from the chairman of the Bundestag committee investigating the detention in Guantanamo of the German-born Turkish national Murat Kurnaz. In the letter, Chairman Siegfried Kauder asks whether the USG would be willing to allow an American official, who allegedly accompanied two German officials to Guantanamo where they questioned the detainee, to give testimony before the committee.

¶2. (SBU) This is the third letter since June, 2006 that Chairman Kauder has sent to Ambassador Timken requesting the USG either to produce testimony or evidence for their investigation. The previous letters and attachments had been faxed and cabled (reftel) to EUR/AGS and L with a request for advice from L on how or whether the Ambassador or another Embassy Berlin official should respond to Chairman Kauder. To date the Embassy has not received responses to either of the earlier requests.

¶3. (SBU) We understand that Chairman Kauder does not expect a favorable response from the USG, but would appreciate an acknowledgement of receipt of the letters and perhaps an explanation of why the USG chooses not to comply with the committee's requests. The Embassy would appreciate some guidance on whether or how to respond.

¶4. (U) Following is the text of the February 6 letter:

(begin text)

His Excellency
Mr. William R. Timken, Jr.
Ambassador of the United States of America
Neustadtische KirchstraBe 4-5
10117 Berlin

February 6, 2007

Dear Mr. Ambassador,

On 7 April 2006, the German Bundestag adopted a resolution establishing the First Committee of Inquiry of the 16th electoral term. Under the mandate established by Parliament, the Committee of Inquiry is to clarify still unresolved questions, make assessments and draw the necessary conclusion, among other things, in connection with a report presented by the German Federal Government "On Events Relating to the Iraq War and Combating International Terrorism."

Please refer to enclosure 1 for details of the Committee of Inquiry's mandate. At its meeting on 1 February 2007, the Committee of Inquiry decided to cordially request the

Government of the United States of America to support the parliamentary work of the Committee.

On behalf of the members of the Committee, I would like to express the hope that you will find yourself able to provide information of importance for the Committee of Inquiry in fulfilling its mandate.

In line with the Committee's Decision to take Evidence, which I also enclose for your information (Decision to take Evidence 16-230, enclosure 2), we request your assistance regarding the questioning of Mr. Murat Kurnaz by German officials in Guantanamo. The German officials were supposedly accompanied during their journey to and stay at Guantanamo by a member of staff employed by U.S. agencies in Germany. The member of staff, identified as "Steve H.", may be able to testify about the questioning of Mr. Kurnaz in Guantanamo.

The Committee would be grateful if the Government of the United States of America were prepared to make it possible for Mr. Steve H. to testify before the First Committee of Inquiry, and were prepared to send a photograph of him.

I would like to thank you for your readiness to receive and examine the request of the German Bundestag.

Sincerely,

Siegfried Kauder
Chairman of the First Committee of Inquiry

(end text)
TIMKEN JR